

**COUNCIL POLICY**

CURRENT

SUBJECT: CONSULTANT SERVICES SELECTION  
POLICY NO.: 300-07  
EFFECTIVE DATE: August 10, 2004

**BACKGROUND:**

The City requires services of a recurring nature or for a specific one-time project which cannot be routinely provided by City staff, either because of the expertise required or the ongoing work load. Consultants may be employed where City staff is unable to accommodate this requirement. The procedure to evaluate the need for and selection of consultants should be standardized to insure the product or service is of the highest quality in relation to available funding.

Consultant services may be performed by individuals licensed by the State of California (such as, Architects, Civil, Mechanical or Electrical Engineers, Engineering Geologists, etc.) or by individuals for which such licensing is not a requirement. Because of this variation, two separate procedures have been formulated for the selection and hiring of consultants.

**PURPOSE:**

To provide a uniform policy to evaluate the need for and process for selecting consultants.

**POLICY:**

It is the policy of the City that selection of consultants be made from as broad a base of applicants as possible and the choice be based on demonstrated capabilities or specific expertise. The type and scope of the required service or product must be clearly defined by the City Manager to determine whether it can be most efficiently provided by City staff or by a consultant, and where a consultant is chosen, whether licensed or non-licensed services are necessary. A licensed consultant will be selected where the significant portion of the service or product requires such skills and will be chosen using a nomination process with a negotiated contract. In those cases where the significant portion of the service or product does not require licensed skills, the selection process must be open and competitive involving comparison of cost statements and work effort.

The following criteria shall be applied in the consultant selection process:

A. **General Procedure for All Consultants:**

1. The affected department shall outline its objectives and the extent of the services that are required. This will be delineated in the form of a written document to be presented to prospective consultants.
2. Notice of the intent to seek consulting services and requests for submission of qualification statements shall be published in the City's official newspaper for every service in excess of \$3,000, except that for licensed consultants (design engineers or architects) preparing construction contract plans, this limit shall be \$25,000.

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3. A minimum of three qualified consultants should be considered for selection except in those cases where unique expertise is required and can be provided only by a limited number of available consultants.

In particular instances it may be desirable to use a “sole source” consultant. This decision must be based on circumstances where competition is not feasible and such selection must be adequately justified. Such justification must contain substantive reasons as to why only one firm was selected and must reference specific items such as time constraints, cost savings and unavailability of similar expertise.

A consultant for providing real estate appraisals may be selected from an authorized listing, approved by Council, of qualified consultants who have responded to an advertisement soliciting their services. The listing is to be approved by Council each three years or sooner if needed.

4. Consultants’ presentations should be uniformly evaluated on a weighted basis of qualifications such as expertise, experience, understanding and approach to the problem, financial responsibility, capability of personnel and subcontractors on the project, conformity with the City’s Affirmative Action Program and the ability to complete the project within the required time frame and budget.

References submitted by consultant shall be contacted. All evaluation and selection records shall be maintained as permanent project records.

5. The consultant shall not perform any work prior to approval by the City Council of a contract to perform the work. The City shall not be liable for any work performed prior to such Council approval.

**B. Procedure for Consultants Performing Work Requiring Professional Licensing:**

1. The consultant contract shall be negotiated with the highest qualified person or firm at a compensation determined to be fair and reasonable to the City. The fee structure determined will take into consideration the estimated value of services, the scope, complexity and need for professional expertise and judgment. Should it not be possible to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations would be terminated and subsequently undertaken with the next most qualified person or firm.

**C. Procedure for Consultants Performing Work Which Does Not Require Professional Licensing:**

1. The contract shall be awarded to the highest qualified consultant using a selection criteria which will include comparison of cost statements and work effort. The fee to be paid consultants shall be considered but shall not be the sole basis for selection.
2. Where the services required are of a recurring nature but of a type that can be described with precision, pre-qualification of consultants may be utilized as the initial phase of the selection process. Each consultant on a pre-qualified list for a particular type of service will then be invited to submit a competitive proposal whenever such services are needed. This selection

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method is most applicable to work that is concerned primarily with the application of established technical procedures where minimal professional judgement is involved.

**AUTHORIZATION:**

Once the selection of the consultant has been made by the responsible department and where Council approval is required, the following information shall be presented to the Council. It should be presented in the form of a report at the time authorization to execute the agreement is being considered.

1. Identification of project by complete title;
2. Justification for use of consultant services, including whether licensed or non-licensed services are necessary;
3. Date(s) and medium of advertisement for consultant services and project title used in advertisement;
4. Number of consultants responding for consideration in the selection process;
5. Method used in selection of consultants;
6. Basis for selection of consultants;
7. Name of prime consultant, description of responsibilities, and dollar amount of prime-contract award; and
8. For consultant contracts, the name(s) of all sub-consultant(s), description of duties of sub-consultant(s), and dollar amount(s) of sub-consultant(s) fee, or percent of prime-consultant fee awarded to sub-consultant(s).

**HISTORY:**

Adopted by Resolution R-210194 03/21/1974  
Amended by Resolution R-212530 01/30/1975  
Amended by Resolution R-215714 04/07/1976  
Amended by Resolution R-218315 05/04/1977  
Amended by Resolution R-222061 10/17/1978  
Amended by Resolution R-222924 02/27/1979  
Amended by Resolution R-266263 07/21/1986  
Amended by Resolution R-299566 08/10/2004